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UNCLAS SECTION 1 OF 5 EC BRUSSELS 3678

E.O. 11652 NA

TAGS: ETRD, EEC, GATT

SUBJ: COMMUNITY'S OVERVIEW ON TRADE POLICY -
ENGLISH TEXT

REF: A) EC BRUSSELS 2692; B) EC BRUSSELS A-249, JUNE 1973;
C) EC BRUSSELS 3616

1. REPRODUCED BELOW IS THE COMMUNITY COUNCIL'S
OFFICIAL ENGLISH TRANSLATION OF THE ORIGINAL FRENCH
TEXT OF THE COMMUNITY'S OVERVIEW OF TRADE POLICY AS
APPROVED BY THE JUNE 25-26 COUNCIL (REFAIR B). THIS
IS NOT THE FINAL VERSION, WHICH WILL NOT APPEAR
UNTIL THE COMMITTEE OF PERMANENT REPRESENTATIVES AGREES
THAT THIS TEXT, OR AN AMENDED VERSION OF IT, IS A
CORRECT REFLECTION OF THE COUNCIL'S DISCUSSIONS.
APPENDED TO THE REAR OF THE OVERVIEW ARE EXPLANATORY
STATEMENTS WHICH ARE TO BE INCLUDED IN THE MINUTES OF
THE COUNCIL MEETING. THE MISSION IS SENDING COPIES TO
OECD PARIS AND TO THE NINE CAPITALS, EXCEPT BRUSSELS,
BY AIRMAIL. THE TEXT IS AS FOLLOWS: BEGIN TEXT.
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SUBJECT: THE DEVELOPMENT OF AN OVERALL APPROACH TO THE
COMING MULTILATERAL TRADE NEGOTIATIONS IN GATT.

2. EXPLANATORY MEMORANDUM.

SECTION 1. AT THE SUMMIT CONFERENCE HELD IN OCTOBER 1972, THE HEADS OF STATE OR OF GOVERNMENT OF THE NINE MEMBER STATES ACCOMPANIED THEIR PROGRAM FOR STRENGTHENING THE COMMUNITY WITH PRECISE DECLARATIONS CONCERNING THE LATTER'S RESPONSIBILITIES AND TASKS IN THE FIELD OF EXTERNAL RELATIONS. THUS, IN PARAGRAPH 5 OF THE PREAMBLE TO THE PARIS COMMUNIQUE THE COMMUNITY'S RESOLVE TO PROMOTE THE DEVELOPMENT OF INTERNATIONAL TRADE IS REAFFIRMED: "THIS DETERMINATION APPLIES TO ALL COUNTRIES WITHOUT EXCEPTION. THE COMMUNITY IS READY TO PARTICIPATE, AS SOON AS POSSIBLE, IN THE OPEN-MINDED SPIRIT THAT IT HAS ALREADY SHOWN, AND ACCORDING TO THE PROCEDURES LAID DOWN BY THE IMF AND THE GATT IN NEGOTIATIONS BASED ON THE PRINCIPLE OF RECIPROCITY. THESE SHOULD MAKE IT POSSIBLE TO ESTABLISH, IN THE MONETARY AND COMMERCIAL FIELDS, STABLE AND BALANCED ECONOMIC RELATIONS, IN WHICH THE INTERESTS OF THE DEVELOPING COUNTRIES MUST BE TAKEN FULLY INTO ACCOUNT".

3. THIS DECLARATION CONFIRMED THE POLITICAL RESOLVE DEMONSTRATED BY THE COMMUNITY BEFORE ENLARGEMENT, TO UNDERTAKE WIDE-RANGING TRADE NEGOTIATIONS WITH ITS PARTNERS. IT WILL BE RECALLED IN THIS CONNECTION THAT THE COUNCIL DECLARED IN DECEMBER 1971: "THE COMMUNITY IS READY...TO TAKE PART IN OVERALL NEGOTIATIONS ON THE BASIS OF MUTUAL ADVANTAGE AND RECIPROCITY AND REQUIRING AN EFFORT FROM ALL THE PARTICIPANTS." SIMILARLY, IN THEIR "JOINT DECLARATION" OF FEBRUARY 1972, THE COMMUNITY AND THE UNITED STATES CONFIRMED THAT IT WAS THEIR INTENTION "TO BEGIN, AND GIVE ACTIVE SUPPORT TO, WIDE-RANGING TRADE NEGOTIATIONS IN GATT...CONDUCTED ON THE BASIS OF MUTUAL ADVANTAGE AND A MUTUAL COMMITMENT INVOLVING OVERALL RECIPROCITY."

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4. SECTION 2. THE COMMUNITY IS AWARE THAT, BY THE VERY FACT OF ITS INSTITUTION AND DEVELOPMENT, IT HAS PROMOTED THE BALANCED EXPANSION OF INTERNATIONAL TRADE.

5. THE GATT SYSTEM, WHICH WAS A FUNDAMENTAL IMPROVEMENT AS COMPARED WITH THE CONFRONTATION OF PURELY NATIONAL POLICIES, HAD ITS MEANS OF ACTION LIMITED BY THE CONTRAST BETWEEN THE DE JURE EQUALITY AND THE DE FACTO INEQUALITY OF PARTNERS, MANY OF WHICH FOUND THEMSELVES CONFRONTED BY A MUCH STRONGER TRADING POWER.

6. THE INTRODUCTION OF CUSTOMS UNIONS AND FREE TRADE AREAS, LAID DOWN BY THE GENERAL AGREEMENT ITSELF, TENDS TO OFFSET THIS IMBALANCE. THUS THE COMMUNITY,

THROUGH THE ELIMINATION OF BARRIERS TO TRADE BETWEEN THE MEMBER STATES, THE CONSTITUTION OF A UNIFIED MARKET AND THE RESULTING ECONOMIC EXPANSION, HAS HAD THE EFFECT OF CREATING TRADE IN A WAY WHICH HAS BEEN BENEFICIAL AT INTERNATIONAL LEVELS. IT IS CONVINCED THAT ITS ENLARGEMENT AND THE AGREEMENTS IT HAS CONCLUDED WITH NEIGHBORING WEST EUROPEAN STATES AND OTHER STATES LINKED TO IT BY GEOGRAPHICAL AND HISTORICAL FACTORS WILL HAVE SIMILAR EFFECTS. IT IS THIS SAME DESIRE FOR THE BALANCED EXPANSION OF INTERNATIONAL TRADE WHICH LED IT TO INTRODUCE A SYSTEM OF GENERALIZED PREFERENCES FOR DEVELOPING COUNTRIES IN 1971 AND WHICH INSPIRES ITS TRADE POLICY IN RELATIONS WITH ALL THIRD COUNTRIES.

7. SECTION 3. WITH REGARD TO MULTILATERAL NEGOTIATIONS, THE COMMUNITY HAS TAKEN AN ACTIVE PART IN THESE SINCE ITS CREATION AND ITS CONTRIBUTION HAS BEEN A DECISIVE FACTOR IN THEIR SUCCESS. WITHIN MODEST LIMITS IN THE DILLON ROUND, BUT ON AN UNPRECEDENTED SCALE AFTER THE UNITED STATES CONGRESS PASSED THE TRADE EXPANSION ACT (KENNEDY ROUND), THE CHIEF TRADING PARTNERS AGREED TO MUTUAL REDUCTIONS IN TRADE BARRIERS. AT THE END OF THESE NEGOTIATIONS, THE COMMUNITY HAD THE LOWEST CUSTOMS TARIFF OF ANY OF THE MAJOR TRADING POWERS-- APPROXIMATELY HALF THE AVERAGE OF THE ORIGINAL TARIFFS OF THE MEMBER STATES--AND IT ALSO HAD THE MOST UNIFORM

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PROFILE.

8. SECTION 4. THESE VAST MOVEMENTS OF LIBERALIZATION, GOING HAND-IN-HAND WITH ALMOST UNINTERRUPTED ECONOMIC EXPANSION WITHIN THE COMMUNITY AND WITH THE PROGRESSIVE STRENGTHENING OF ITS COHESION AND INTERNAL SOLIDARITY HAVE MADE POSSIBLE AN UNPRECEDENTED EXPANSION OF ITS INTERNATIONAL TRADE. THIS DEVELOPMENT HAS PROVIDED A BASIS FOR A CONSTANT RISE IN THE STANDARD OF LIVING AND A HIGH AND STABLE LEVEL OF EMPLOYMENT.

9. THE COMMUNITY IS THEREFORE CONVINCED THAT INTERNATIONAL TRADE IS A VITAL AND INCREASINGLY IMPORTANT FACTOR IN ITS DEVELOPMENT. IT HOPES THAT THE POLICY OF LIBERALIZING TRADE WILL BE CONTINUED AND IT INTENDS TO ASSUME ITS RESPONSIBILITIES AT INTERNATIONAL LEVELS TOWARDS BOTH INDUSTRIALIZED AND DEVELOPING COUNTRIES.

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10. MOREOVER, AT A TIME WHEN IT IS PREPARING TO TAKE PART IN NEW NEGOTIATIONS WHICH AIM TO ENSURE THE INCREASED EXPANSION OF INTERNATIONAL TRADE, THE COMMUNITY IS AWARE OF HAVING MADE A VERY SUBSTANTIAL CONTRIBUTION TO THE DEVELOPMENT OF WORLD TRADE. IT THEREFORE EXPECTS ITS PARTNERS TO APPROACH THE NEGOTIATIONS IN THE LIBERAL SPIRIT OF WHICH THE COMMUNITY HAS ALREADY GIVEN AMPLE PROOF AND WITH THE SAME DESIRE TO ESTABLISH STABLE AND BALANCED ECONOMIC RELATIONS.

11. SECTION 5. QUITE OBVIOUSLY, THE POLICY OF LIBERALIZING WORLD TRADE CANNOT BE CARRIED OUT SUCCESSFULLY UNLESS PARALLEL EFFORTS ARE MADE TO SET UP A MONETARY SYSTEM WHICH SHIELDS THE WORLD ECONOMY FROM THE SHOCKS AND IMBALANCES WHICH HAVE RECENTLY OCCURRED.

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12. THE TRADE NEGOTIATIONS THEREFORE IMPLY THAT PROSPECTS EXIST FOR THE ESTABLISHMENT OF A FAIR AND DURABLE MONETARY SYSTEM, BASED ON THE PRINCIPLES LISTED IN PARAGRAPH 4 OF THE PARIS COMMUNIQUE: (FROM FOOTNOTE)

--NAMELY--

- (A) FIXED BUT ADJUSTABLE PARITIES;
- (B) THE GENERAL CONVERTIBILITY OF CURRENCIES;
- (C) EFFECTIVE INTERNATIONAL REGULATION OF THE WORLD SUPPLY OF LIQUIDITIES;

(D) A REDUCTION IN THE ROLE OF NATIONAL CURRENCIES
AS RESERVE INSTRUMENTS;
(E) THE EFFECTIVE AND EQUITABLE FUNCTIONING OF THE
ADJUSTMENT PROCESS;
(F) EQUAL RIGHTS AND DUTIES FOR ALL PARTICIPANTS IN
THE SYSTEM;
(G) THE NEED TO LESSEN THE UNSTABILIZING EFFECTS
OF SHORT-TERM CAPITAL MOVEMENTS;
(H) THE TAKING INTO ACCOUNT OF THE INTERESTS OF
THE DEVELOPING COUNTRIES.

13. THIS CONSIDERATION SHOULD BE BORNE IN MIND BY THE
CONTRACTING PARTIES BOTH AT THE BEGINNING OF AND DURING
THE NEGOTIATIONS. THE COMMUNITY, FOR ITS PART, WILL
ASSESS THE PROGRESS OF THESE NEGOTIATIONS IN THE LIGHT
OF THE PROGRESS MADE IN THE MONETARY FIELD. IT WILL
TAKE SUCH PROGRESS INTO ACCOUNT WHEN TAKING A DECISION
ON THE RESULTS OF THE NEGOTIATIONS.

14. FURTHERMORE, THE TRADE NEGOTIATIONS CANNOT BE
TAKEN AS AN APPROPRIATE WAY OF CORRECTING DISCREPANCIES
IN THE BALANCE OF PAYMENTS OF ANY OF THE PARTIES.

15. FAITHFUL TO THE GUIDELINES LAID DOWN FOR ITS OWN
DEVELOPMENT AND AWARE OF ITS OWN SPECIAL RESPONSIBILITIES,
THE COMMUNITY, WHILE RESPECTING ITS HERITAGE, IS THEREFORE
RESOLVED THAT, IN ORDER TO ENSURE THE HARMONIOUS
DEVELOPMENT OF WORLD TRADE, IT WILL TAKE PART IN THE
FORTHCOMING NEGOTIATIONS WITH AN OPEN MIND. IT MUST,
HOWEVER, BE UNDERSTOOD FROM THE OUTSET THAT NEITHER
THOSE ELEMENTS BASIC TO ITS UNITY NOR THE FUNDAMENTAL
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OBJECTIVES OF ITS FUTURE DEVELOPMENT MAY BE CALLED
INTO QUESTION.

16. THESE BASIC ELEMENTS INCLUDE THE CUSTOMS UNION,
THE COMMON AGRICULTURAL POLICY AND THE COMMON COMMERCIAL
POLICY. AMONGST THE FUNDAMENTAL OBJECTIVES, MENTION
SHOULD BE MADE INTER ALIA OF THE ESTABLISHMENT OF
ECONOMIC AND MONETARY UNION, WHICH IS THE GUARANTEE OF
STABILITY AND GROWTH, THE FOUNDATION FOR SOLIDARITY
AMONGST THE MEMBER STATES AND THE ESSENTIAL BASIS
FOR SOCIAL PROGRESS, AND OF THE RECTIFICATION OF
REGIONAL IMBALANCES.

17. CHAPTER I: GENERAL OBJECTIVES OF THE NEGOTIATIONS

SECTION 1. IN ITS RESOLUTION DATED 13 DECEMBER 1971,
THE COUNCIL EXPRESSED ITSELF AS FOLLOWS: "THE CHANGES
IN ECONOMIC RELATIONS NECESSITATE AN OVERALL EXAMINATION
OF THE WORLD ECONOMIC STRUCTURE AND THE CONDITIONS

FOR A NEW INTERNATIONAL BALANCE, WHICH WOULD ENABLE THE STANDARD OF LIVING TO BE IMPROVED BY EXPANDING INTERNATIONAL ECONOMIC RELATIONS AND LIBERALIZING WORLD TRADE TO AN EVEN WIDER EXTENT".

18. STARTING FROM THESE GENERAL CONSIDERATIONS AND BEARING IN MIND THE FACT THAT THE DEVELOPMENT OF TRADE IS NOT AN END IN ITSELF BUT A MEANS FOR ACHIEVING WIDER ECONOMIC AND SOCIAL OBJECTIVES, THE OBJECTIVES OF THE NEGOTIATIONS CAN BE LISTED AS FOLLOWS:

(A) TO CONSOLIDATE AND CONTINUE THE LIBERALIZATION OF INTERNATIONAL TRADE, ON THE BASIS OF MUTUAL ADVANTAGE AND A MUTUAL COMMITMENT INVOLVING OVERALL RECIPROCITY;

(B) TO IMPROVE THE OPPORTUNITIES FOR DEVELOPING COUNTRIES TO PARTICIPATE IN THE EXPANSION OF WORLD TRADE AND TO ENSURE A BETTER BALANCE BETWEEN THE INDUSTRIALIZED AND DEVELOPING COUNTRIES AS REGARDS THE ADVANTAGES OF THIS EXPANSION.

19. SECTION 2. THE COMMUNITY CONSIDERS OBSERVANCE UNCLASSIFIED

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OF THE CONCEPT OF RECIPROCITY TO BE A FUNDAMENTAL PRINCIPLE OF THE NEGOTIATIONS WHICH WILL CALL FOR A FAIR DISTRIBUTION OF EFFORT FROM ALL THE INDUSTRIALIZED COUNTRIES TAKING PART.

20. IT CONSIDERS THAT THE RECIPROCITY OF CONCESSIONS WILL HAVE TO BE ASSESSED IN TERMS OF THEIR REAL EFFECTIVENESS WITH REGARD TO THE REMOVAL OF TARIFF AND NON-TARIFF BARRIERS AND THE GROWTH OF TRADE.

21. SECTION 3. THE COMMUNITY IS ALSO ANXIOUS TO CONFIRM ITS SUPPORT OF THE DISCIPLINES LAID DOWN BY THE GENERAL AGREEMENT. IT EXPRESSES ITS RESERVATIONS ON ANY REFORM OF THE RULES OF THE GATT WHICH MAY LEAD TO THE INTRODUCTION OF NEW RESTRICTIVE PROVISIONS LIKELY TO RUN COUNTER TO THE OBJECTIVE OF LIBERALIZING TRADE.

22. SECTION 4. WITH REGARD TO THE BENEFICIAL EFFECTS WHICH DEVELOPING COUNTRIES ARE ENTITLED TO EXPECT FROM THE EXPANSION OF WORLD TRADE, THE COMMUNITY INTENDS TO CONTRIBUTE ACTIVELY TO ANY EFFORTS AGREED IN THIS CONNECTION BY THE INDUSTRIALIZED STATES AS A WHOLE, WITHOUT ANY PREJUDICE TO THE ADVANTAGES WHICH MUST ACCURE TO THE COUNTRIES WITH WHICH IT HAS SPECIAL RELATIONS.

23. SECTION 5. THE COMMUNITY WILL CONTINUE ITS

POLICY OF DEVELOPING ITS TRADE WITH ALL COUNTRIES,
INCLUDING THOSE NOT TAKING PART IN THE NEGOTIATIONS.
WITH THE DEVELOPMENT OF THE MULTILATERAL NEGOTIATIONS
IN MIND, APPROPRIATE SOLUTIONS SHOULD BE SOUGHT FOR
THIS PURPOSE, BASED ON THE CONCEPT OF RECIPROCITY.

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24. CHAPTER II: INDUSTRIAL CUSTOMS TARIFFS

SECTION 1. AS FAR AS TARIFFS ARE CONCERNED, THE TRADE
NEGOTIATIONS MUST LEAD TO A SIGNIFICANT LOWERING OF
CUSTOMS TARIFFS, BY MEANS OF REDUCTIONS IN DUTY
GRADUATED IN RELATION TO ITS CURRENT LEVEL, THUS
LEADING TO A HARMONIZATION OF TARIFFS.

25. SECTION 2. THE PROCEDURES FOR LOWERING CUSTOMS
TARIFFS ON INDUSTRIAL PRODUCTS MUST BE SIMPLE AND
APPLICABLE IN THE MOST GENERAL WAY POSSIBLE.

26. SECTION 3. WHILE RECOGNIZING THAT MUTUAL ADVAN-
TAGE AND RECIPROCIY MUST BE SOUGHT IN THE OVERALL
OUTCOME OF THE WHOLE RANGE OF THE NEGOTIATIONS, THE
AIM SHOULD BE TO SEEK, SO FAR AS POSSIBLE, RECIPROCITY
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IN EACH INDIVIDUAL FIELD, IN PARTICULAR AS FAR AS
TARIFFS ARE CONCERNED.

27. SECTION 4. THE RULES FOR LOWERING TARIFFS MUST
NECESSARILY TAKE INTO ACCOUNT THE CONSIDERABLE
DIFFERENCES WHICH EXIST BETWEEN THE CUSTOMS TARIFFS
APPLIED BY THE DEVELOPED COUNTRIES. QUITE APART FROM
THE QUESTION OF THE GENERAL LEVEL OF TARIFFS, SOME
COUNTRIES APPLY TARIFFS OF A ROUGHLY HOMOGENEOUS LEVEL
TO ALL PRODUCTS WHILE OTHERS APPLY VERY HIGH TARIFFS
TO SOME PRODUCTS AND MUCH LOWER ONES TO OTHERS.

28. THE RULES ADOPTED SHOULD AIM, WITHIN THE OVERALL
OBJECTIVE INDICATED IN PARAGRAPH 1, AT LEVELING OFF
THE DIFFERENCES CAUSED BY THESE PEAKS AND TROUGHS.

29. THIS WOULD HAVE THE EFFECT OF CREATING MORE
EQUITABLE CONDITIONS FOR TRADE AND DIMINISHING THE
PRESENT INEQUALITIES IN THE TARIFF PROTECTION OF THE
VARIOUS DEVELOPED COUNTRIES.

30. THIS IS THE ONLY APPROACH WHICH WOULD MAKE IT
POSSIBLE TO AVOID A SITUATION IN WHICH, FOLLOWING
FURTHER REDUCTIONS OF CUSTOMS TARIFFS, SOME WOULD
BE SO LOW THAT CERTAIN COUNTRIES WOULD HAVE LITTLE HOPE
OF SUBSEQUENTLY OBTAINING REDUCTIONS IN THE HIGHER
CUSTOMS DUTIES WHICH SOME OF THEIR PARTNERS WOULD HAVE
BEEN ABLE TO MAINTAIN.

31. THE PROCEDURES SHOULD TAKE ACCOUNT OF THE FACT
THAT THE ACTUAL LEVEL OF PROTECTION SHOULD BE CALCULATED
ON THE BASIS OF THE ADDED VALUE.

32. SECTION 5. THE PROCEDURES FOR LOWERING TARIFFS SHOULD
THEREFORE BE BASED ON THE PRINCIPLE OF THE HIGHER THE
TARIFF THE GREATER THE REDUCTION OF CUSTOMS DUTY.

33. A THRESHOLD OR FLOOR SHOULD BE SET BELOW WHICH NO
REDUCTION WOULD BE REQUIRED, WHICH WOULD PREVENT THOSE
COUNTRIES WITH LOW DUTIES OR DIVERSIFIED TARIFFS BEING
OBLIGED TO LOWER THEM TO SUCH AN EXTENT THAT IT WOULD
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BE DIFFICULT TO ACHIEVE RECIPROCITY.

34. SECTION 6. THE FUTHER LOWING OF CUSTOMS TARIFFS
ENVISAGED INEVITABLY INVOLVES A REDUCTION IN THE
PREFERENCE MARGIN FROM WHICH DEVELOPING COUNTRIES
BENEFIT IN THOSE DEVELOPED COUNTRIES WHICH HAVE
INTRODUCED THE GENERALIZED PREFERENCE SCHEME. IN

ANTICIPATION OF THE IMPLEMENTATION OF THE GENERALIZED PREFERENCE SCHEME BY ALL DEVELOPED COUNTRIES, THE COMMUNITY SHOULD TAKE STEPS TO IMPROVE ITS OWN SCHEME IN ACCORDANCE WITH THE DIRECTIVES GIVEN BY THE CONFERENCE OF HEADS OF STATE OR GOVERNMENT IN OCTOBER 1972. (SEE CHAPTER V).

35. SECTION 7. THIS GENERAL APPROACH SHOULD NOT EXCLUDE THE POSSIBILITY OF ACHIEVING IN THE NEGOTIATIONS CERTAIN SPECIAL FORMULAS FOR A LIMITED NUMBER OF PRODUCTS.

36. SECTION 8. THE POSSIBILITY OF NEGOTIATING, IN CERTAIN SECTORS, ON A BASIS COVERING BOTH TARIFFS AND NON-TARIFF BARRIERS WITH THE AIM OF ACHIEVING A BALANCED RESULT SHOULD ALSO BE ENVISAGED.

37. CHAPTER III: NON-TARIFF BARRIERS

SECTION 1. THE DIVERSITY OF NON-TARIFF BARRIERS MAKES IT UNREALISTIC TO SEEK A SOLUTION OF A GENERAL CHARACTER; THERE MUST THEREFORE BE A CASE-BY-CASE APPROACH WHILE STILL BEARING IN MIND THAT IN SOME CASES CERTAIN MEASURES ARE INTERDEPENDENT.

38. SECTION 2. THE EXISTENCE OF SO MANY TYPES OF NON-TARIFF BARRIERS (CLASSIFIED BY GATT UNDER NEARLY THIRTY CHAPTER HEADINGS EACH SUBDIVIDED INTO A NUMBER OF MORE OR LESS SIMILAR INDIVIDUAL MEASURES APPLIED BY DIFFERENT COUNTRIES) SEEMS TO PRECLUDE FINDING SOLUTIONS FOR ALL THE MEASURES LISTED. IT IS THEREFORE DESIRABLE THAT CERTAIN TYPES OF MEASURES BE SELECTED ON WHICH NEGOTIATION WOULD TAKE PLACE BUT WITHOUT EXCLUDING THE POSSIBILITY THAT OTHER UNCLASSIFIED

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BARRIERS MAY BE ADDED TO THE LIST IN THE COURSE OF THE NEGOTIATIONS SHOULD THIS PROVE NECESSARY.

39. SECTION 3. THE FORTHCOMING NEGOTIATIONS ON THE NON-TARIFF BARRIERS TO BE RETAINED WILL TAKE ACCOUNT AS MUCH AS POSSIBLE OF THE WORK ALREADY DONE ON THE MATTER WITHIN GATT AND THE OECD.

40. IN THE OPINION OF THE COMMUNITY THE EXAMINATION SHOULD BE DIRECTED, INITIAL/ AT THE MEASURES WHICH APPEAR TO BE THE GREATEST OBSTACLES TO INTERNATIONAL TRADE.

41. OTHER SPECIFIC MEASURES WITH MORE LIMITED SCOPE WILL HAVE TO BE SELECTED FROM AMONG THOSE WHICH ARE MENTIONED MOST FREQUENTLY IN THE NOTIFICATIONS MADE

TO GATT, AND BE GROUPED TOGETHER ACCORDING TO THEIR NATURE OR THEIR EFFECTS WITH A VIEW TO BALANCED CONCESSIONS; THE LIST ADOPTED FOR NEGOTIATION COULD THEN BE ADDED TO AT ANY MOMENT ON THE INITIATIVE OF ANY OF THE PARTICIPANTS.

42. SECTION 4. RECIPROCITY IS HARDER TO ASSESS OVER NON-TARIFF BARRIERS THAN OVER CUSTOMS DUTIES, SO A BROAD SPREAD OF SOLUTIONS WILL BE NEEDED TO MAKE UP A WORTHWHILE AND WELL-BALANCED PACKAGE.

43. SECTION 5. MANY SIMILAR MEASURES ARE APPLIED BY A LARGE NUMBER OF COUNTRIES AND THEREFORE LEND THEMSELVES TO MULTILATERAL SOLUTIONS, WHETHER BY ABOLITION OR AMENDMENT OR BY AGREEMENT ON GREATER HARMONY OR DISCIPLINE. THESE SOLUTIONS MAY INVOLVE CONSTRAINTS OF VARYING DEGREES, AND MAY TAKE THE FORM IN SOME CASES OF INTERPRETATIVE NOTES TO THE EXISTING PROVISIONS OF THE GENERAL AGREEMENT, AND IN OTHERS, OF GENERAL PRINCIPLES OR CODES OF BEHAVIOUR. ALTHOUGH IT IS CLEARLY DESIRABLE TO AIM AT THE MAXIMUM DEGREE OF BALANCE BETWEEN COMMITMENTS IN EACH SUBJECT NEGOTIATED, IT SHOULD BE RECOGNIZED THAT IN CERTAIN SUBJECTS THERE ARE FROM THE OUTSET SOME BUILT-IN IMBALANCES.

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44. SECTION 6. FOR CERTAIN MEASURES WHICH ARE APPLIED BY ONLY ONE OR TWO COUNTRIES THE SOLUTION MAY BE SPECIFIC (ABOLITION OR ADAPTATION), WITHOUT THERE BEING ANY NEED TO LAY DOWN GENERAL RULES.

45. SECTION 7. THE COMMUNITY WILL SPECIFY THE NON-TARIFF BARRIERS OF ITS TRADING PARTNERS WHICH IT WISHES TO SEE DEALT WITH IN THE NEGOTIATIONS.

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46. FOR THEIR OWN PART THE COMMUNITY AND ITS MEMBER STATES WILL DECLARE THEIR READINESS TO NEGOTIATE ON SOME OF THE MEASURES THEY THEMSELVES APPLY TOWARDS FINDING A MULTILATERAL OR SPECIFIC SOLUTION PERMITTING AN ADEQUATE RECIPROCITY FOR THEIR PARTNERS.

47. SECTION 8. THE SOLUTIONS ARRIVED AT SHOULD BE ACCEPTED BY AS MANY COUNTRIES AS POSSIBLE, FAILING WHICH THE EXISTING IMBALANCE BETWEEN THE VARIOUS CONTRACTING PARTIES IS LIKELY TO BECOME WORSE. IT WILL NOT BE POSSIBLE TO APPLY THESE SOLUTIONS UNLESS THEY ARE EFFECTIVELY ADOPTED BY THE PRINCIPAL TRADING PARTNERS CONCERNED.

48. THE ADVANTAGES WHICH MIGHT DERIVE FROM SOLUTIONS COMPRISING OBLIGATIONS WHICH GO BEYOND THE GATT PROVISIONS, SHOULD BE RESERVED FOR COUNTRIES WHICH IN PRACTICE ABIDE BY THESE SOLUTIONS.

49. SECTION 9. WITH THIS SAME NEED FOR BALANCE IN MIND, ALL
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THE CONTRACTING PARTIES SHOULD CEASE TO BENEFIT FROM THE EXEMPTION PROVIDED BY THE PROTOCOL OF PROVISIONAL APPLICATION.

50. SECTION 10. THE AGREEMENTS REACHED ON NON-TARIFF BARRIERS SHOULD INCLUDE APPROPRIATE MECHANISMS FOR CONSULTATION AND THE SETTLEMENT OF DISPUTES. THESE ARRANGEMENTS WOULD BOTH DEAL WITH DIFFERENCES IN INTERPRETATION OF THE AGREEMENT AND WITH ANY DIFFICULTIES LIKELY TO ARISE IN THE IMPLEMENTATION OF THESE AGREEMENTS.

51. CHAPTER IV: THE AGRICULTURAL SECTOR

SECTION 1. THE OBJECTIVES OF THE NEGOTIATIONS IN THE AGRICULTURAL SECTOR SHOULD BE IN KEEPING WITH THE ABOVE MENTIONED GENERAL OBJECTIVES BUT AT THE SAME TIME SHOULD ALSO TAKE INTO ACCOUNT THE SPECIAL CHARACTERISTICS OF AGRICULTURE AND CONFORM WITH THE OBJECTIVES LAID DOWN IN ARTICLES 39 AND 110 OF THE TREATY OF ROME.

52. WITH A VIEW TO MEETING WORLD FOOD NEEDS, THE COMMUNITY IS ALSO PREPARED TO EXAMINE JOINTLY WITH THE OTHER PARTNERS IN THE NEGOTIATIONS MEASURES DEALING WITH THIS MATTER.

53. SECTION 2. FOR POLITICAL, ECONOMIC AND SOCIAL REASONS, THE AGRICULTURAL SECTOR IN ALL COUNTRIES IS ESPECIALLY CHARACTERIZED BY THE GENERAL EXISTENCE OF SUPPORT POLICIES. THE COMMON AGRICULTURAL POLICY CORRESPONDS TO SPECIAL CONDITIONS OF AGRICULTURE WITHIN THE COMMUNITY. ITS PRINCIPLES AND MECHANISMS SHOULD NOT BE CALLED INTO QUESTION AND THEREFORE DO NOT CONSTITUTE A MATTER FOR NEGOTIATION.

54. SECTION 3. THE SPECIFIC OBJECTIVE OF THE AGRICULTURAL NEGOTIATIONS SHOULD THEREFORE BE THE EXPANSION OF TRADE IN STABLE WORLD MARKETS, IN ACCORDANCE WITH EXISTING AGRICULTURAL POLICIES.

55. SECTION 4. THE CONDITIONS FOR THE EXPANSION OF
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TRADE WOULD BE MORE FAVORABLE IF THE STABILITY OF WORLD MARKETS WERE BETTER ASSURED. THE BEST WAY OF ACHIEVING THAT OBJECTIVE WOULD BE TO ORGANIZE ORDERLY WORLD MARKETS BY MEANS OF APPROPRIATE INTERNATIONAL ARRANGEMENTS.

56. FOR PRODUCTS SUCH AS CEREALS (WHEAT, FLOUR AND FEED GRAINS), RICE, SUGAR AND THE MOST HOMOGENEOUS MILK PRODUCTS, THE COMMUNITY WILL PROPOSE THE NEGOTIATION OF A PRICE MECHANISM (MINIMUM AND MAXIMUM PRICES), ACCOMPANIED BY STORAGE MEASURES IN ORDER TO ARRANGE THE OFFER, ALL OF WHICH WOULD MOREOVER, FACILITATE THE IMPLEMENTATION OF THE FOOD AID PROGRAMS. THE COMMUNITY FEELS THAT THE BEST WAY OF FULFILLING SUCH COMMITMENTS WOULD BE TO CONCLUDE INTERNATIONAL AGREEMENTS FOR EACH PRODUCT.

57. IN THE CASE OF OTHER PRODUCTS WHICH ARE NOT SUITED TO SUCH AGREEMENTS THE COMMUNITY COULD AGREE TO NEGOTIATE JOINT DISCIPLINES. A SYSTEM OF VOLUNTARY RESTRAINTS WHICH WOULD ENSURE THAT THE OPERATIONS OF ZHEXPORTING COUNTRIES ON WORLD MARKETS RUN SMOOTHLY. (SIC)

58. APPLICATION OF THE IMPORT MECHANISMS WILL BE ADAPTED TO THIS NEW SITUATION TO THE EXTENT THAT STABILITY ON WORLD MARKETS HAS BEEN ACHIEVED AS A RESULT OF IMPLEMENTING THE INTERNATIONAL ARRANGEMENTS WHICH HAVE BEEN AGREED.

59. SECTION 5. THE OVERALL OBJECTIVE OF THESE MEASURES WOULD BE TO ENCOURAGE THE REGULAR EXPANSION OF TRADE, WITHIN THE FRAMEWORK OF THE ACTUAL AGRICULTURAL POLICIES PURSUED BY THE PARTNERS. THE COMMUNITY, FOR ITS PART, WOULD ENSURE THAT SUCH UNDERTAKINGS WERE RESPECTED WM PRACTICING THE PRINCIPLES OF ITS COMMON AGRICULTURAL POLICY.

60. SECTION 6. THE PROBLEMS CAUSED BY THE HARMONIZATION OF LEGISLATION COVERING BOTH HUMAN AND PLANT HEALTH AND OF THE VARIOUS RULES ON THE USE AND TREATMENT OF PRODUCTS SHOULD ALSO BE COVERED IN THE NEGOTIATIONS.
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61. SECTION 7. ALTHOUGH THE MEASURES SET OUT ABOVE ARE IMPROVING WORLD MARKETS, WHICH WILL ALSO BENEFIT DEVELOPING COUNTRIES, ADDITIONAL ACTION SHOULD ALSO BE TAKEN ON PRODUCTS WHICH ARE OF PARTICULAR INTEREST TO THE DEVELOPING COUNTRIES. THIS ACTION COULD TAKE THE FORM OF MEASURES OF A PREFERENTIAL CHARACTER, FOR EXAMPLE, ENABLING THESE COUNTRIES TO IMPROVE THEIR EXPORT REVENUE.

62. CHAPTER V: SECTION 1. THE DEVELOPING COUNTRIES. THE DEVELOPED COUNTRIES HAVE AGREED TO TAKE PARTICULAR ACCOUNT OF (SIC) THESE NEGOTIATIONS OF THE INTERESTS OF DEVELOPING COUNTRIES. THAT IS TO SAY, THE DEVELOPED COUNTRIES WILL NOT ONLY TRY TO ENSURE THAT THE DEVELOPING COUNTRIES DO NOT SUFFER INDIRECT DISADVANTAGES, BUT WILL ALSO HELP TO EXPAND THE DEVELOPING COUNTRIES' TRADE AND IMPROVE THEIR EXPORT REVENUE. THIS WAS EMPHASIZED IN THE DECLARATION OF INTENT MADE BY THE COMMUNITY ON 13 DECEMBER 1971; IN THE JOINT DECLARATION BY THE UNITED STATES AND THE COMMUNITY IN 1972, AND AGAIN IN THE COMMUNIQUE OF THE SUMMIT CONFERENCE IN OCTOBER 1972, WHICH STATED THAT, WITHOUT DETRIMENT TO ZHADVANTAGES ENJOYED BY THOSE COUNTRIES WITH WHICH IT HAS SPECIAL RELATIONS, THE COMMUNITY SHOULD RESPOND EVEN MORE THAN IN THE PAST TO THE EXPECTATIONS OF THE DEVELOPING COUNTRIES. IN THIS RESPECT, THE COMMUNITY ATTACHES THE GREATEST IMPORTANCE TO THE POLICY OF ASSOCIATION AS CONFIRMED IN THE ACCESSION TREATY.

63. THE COMMUNITY'S OBJECTIVE AS REGARDS THE DEVELOPING COUNTRIES IN GENERAL SHOULD BE TO ACHIEVE A CONSISTENT BODY OF MEASURES AND A BALANCED CONTRIBUTION BY INDUSTRIALIZED COUNTRIES. THERE ARE, HOWEVER, GREAT DIFFERENCES BETWEEN THE DEVELS AND THE OPPORTUNITIES FOR DEVELOPMENT IN THE VARIOUS DEVELOPING COUNTRIES, SO THE COMMUNITY WOULD WISH TO RESERVE FOR ITSELF THE POSSIBILITY OF VARYING ITS ACTION TO MEET THE LEVELS OF DEVELOPMENT AND THE PARTICULAR NEEDS OF THESE COUNTRIES.

SUCH VARIATION MIGHT WELL CONCERN THE NATURE OF THE
CONCESSIONS MADE TO THE VARIOUS DEVELOPING COUNTRIES,
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THE CHOICE OF PRODUCTS AND THE DEGREE OF RECIPROCITY
WHICH MIGHT BE ASKED OF THE MOST ADVANCED OF
DEVELOPING COUNTRIES.

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64. SECTION 2. TARIFFS. IN THE FIELD OF GENERALIZED
PREFERENCES THE COMMUNITY IS PREPARED TO IMPROVE THE
SCHEME WHICH IT ESTABLISHED UNILATERALLY NEARLY TWO
YEARS AGO. BUT THE COMMUNITY EXPECTS OTHER INDUSTRIALIZED
COUNTRIES, AND PARTICULARLY THE UNITED STATES, TO
INTRODUCE A SCHEME DESIGNED TO ASSIST THE DEVELOPING
COUNTRIES AS A WHOLE, AND COMPARABLE IN ITS EFFORTS
TO THE COMMUNITY SCHEME.

65. THE PROVISION LAID DOWN IN CHAPTER II, NAMELY
THAT NO TARIFF REDUCTION SHOULD BE ENVISAGED BELOW A
CERTAIN LEVEL, WOULD RESULT IN THE MAINTENANCE OF A
MARGIN OF PREFERENCES IN FAVOR OF THE DEVELOPING
COUNTRIES.

66. FINALLY, DURING THE NEGOTIATIONS, THE COMMUNITY
RESERVES THE RIGHT TO PROPOSE TO THE OTHER DEVELOPED
COUNTRIES THAT EXCEPTIONS COULD BE INTRODUCED BY MUTUAL AGREE-
MENT TO THE APPLICATION OF THE GENERAL PROCEDURES FOR TARIFF

REDUCTION FOR A SMALL NUMBER OF PRODUCTS INCLUDED IN THE SYSTEM
OF GENERALIZED PREFERENCES WHICH ARE OF PARTICULAR INTEREST
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TO LESS-DEVELOPED COUNTRIES.

67. THE SYSTEM OF GENERALIZED PREFERENCES COULD BE
IMPROVED BY MEANS SUCH AS RAISING THE QUANTITATIVE
CEILINGS, MAKING THE DETAILED RULES OF APPLICATION MORE
FLEXIBLE, INCLUDING, AFTER EXAMINATION OF INDIVIDUAL
CASES, A LARGER NUMBER OF PROCESSED AGRICULTURAL PRODUCTS
IN THE LIST OF PRODUCTS WHICH BENEFIT FROM PREFERENCES
AND INCREASING THE MARGIN OF PREFERENCE FOR THOSE
ALREADY INCLUDED.

68. SECTION 3. NON-TARIFF BARRIERS. IN THE FIELD
OF NON-TARIFF BARRIERS THE DEVELOPED COUNTRIES SHOULD
ENDEAVOR TO TAKE PARTICULAR ACCOUNT OF THE INTERESTS
OF DEVELOPING COUNTRIES BY ADAPTING IMPORT ARRANGEMENTS
IN ORDER TO FAVOR EXPORTS FROM DEVELOPING COUNTRIES.

69. IN RETURN THE DEVELOPING COUNTRIES COULD MAKE A
CONTRIBUTION WHICH WOULD BE IN THEIR OWN INTEREST BY
SIMPLIFYING THEIR ADMINISTRATIVE SYSTEMS FOR IMPORTS.

70. SECTION 4. AGRICULTURAL PRODUCTS.

(A) WHEN IMPLEMENTING ANY INTERNATIONAL ARRANGEMENTS
TO REGULATE THE MARKETS FOR CERTAIN AGRICULTURAL PRODUCTS,
THE INTERESTS OF THE DEVELOPING COUNTRIES AND IN
PARTICULAR THE LEAST-ADVANCED AMONGST THEM SHOULD BE
TAKEN INTO ACCOUNT.

(B) FOOD AID COMMITMENTS CAN BE ENVISAGED IN
THIS CONTEXT.

(C) MOREOVER, AS STATED IN CHAPTER IV, "ADDITIONAL
ACTION SHOULD ALSO BE TAKEN ON THOSE PRODUCTS OF
PARTICULAR INTEREST TO THE DEVELOPING COUNTRIES. THIS
WOULD TAKE THE FORM OF MEASURES OF A PREFERENTIAL
CHARACTER, WHICH WOULD GIVE THESE COUNTRIES A CHANCE
TO INCREASE THEIR EXPORT EARNINGS".

71. CHAPTER VI: APPLICATION OF THE SAFEGUARD CLAUSE
PROVIDED FOR IN ARTICLE XIX OF THE GATT.
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SECTION 1. IN CONFIRMING ITS RESPECT FOR THE
DISCIPLINES OF THE GENERAL AGREEMENT, THE COMMUNITY
WISHES TO EMPHASIZE THAT THE CURRENT PROVISIONS OF

ARTICLE XIX OF THE GENERAL AGREEMENT SHOULD BE MAINTAINED AS THEY ARE.

72. SECTION 2. THE OBJECT OF THIS SAFEGUARD CLAUSE IS TO ENABLE PURELY TRANSITORY DIFFICULTIES TO BE OVERCOME OR TO GIVE THE BRANCHES OF ACTIVITY CONCERNED THE PERIOD OF ADAPTATION WHICH THEY NEED IN ORDER TO ADJUST THEMSELVES TO THE REQUIREMENTS OF INTERNATIONAL COMPETITION.

73. IT MUST, HOWEVER, BE RECOGNIZED THAT THIS ARTICLE HAS PROVED DIFFICULT TO OPERATE EFFECTIVELY. THE COMMUNITY SAYS THAT IT IS PREPARED TO TAKE PART IN ANY DELIBERATIONS AIMED AT TRYING TO ESTABLISH A BETTER PRACTICAL APPLICATION OF THE SAFEGUARD CLAUSE.

74. SECTION 4. ANY NEW PROCEDURE OF APPLICATION SHOULD NEITHER RESULT IN NEW RESTRICTIVE MEASURES NOR HAVE THE EFFECT OF MERELY MAKING THE SYSTEM MORE FEASIBLE IN PARTICULAR BY RESTRICTING ENTITLEMENT TO COMPENSATION OR REDRESS UNLESS THE CONDITIONS GOVERNING THEIR APPLICATIONS ARE AT THE SAME TIME CLEARLY LAID DOWN AND CONTROL OF THEIR OPERATION MADE STRICTER.
(END TEXT OVERVIEW)

75. APPENDED EXPLANATORY STATEMENTS TO BE WRITTEN INTO THE MINUTES OF THE 248TH COUNCIL MEETING OF 25/26 JUNE 1973.
(BEGIN TEXT)

76. STATEMENT NO. 1: (RE CHAPTER II, SECTION 8)
"THE COUNCIL AGREES THAT DURING THE NEGOTIATIONS THE COMMUNITY WILL DRAW UP AN OVERALL STATEMENT OF THE MEASURES PROVIDED FOR EACH SECTOR IN ORDER TO ASCERTAIN WHETHER A SATISFACTORY BALANCE HAS BEEN ACHIEVED."

77. STATEMENT NO. 2: (RE CHAPTER III, SECTION 10)
"THE COUNCIL AGREES THAT SHOULD NEW NON-TARIFF BARRIERS
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APPEAR AFTER THE CONCLUSION OF THE NEGOTIATIONS, THESE WOULD ALSO BE COVERED BY THE MECHANISMS PROVIDED FOR IN THIS PARAGRAPH."

78. STATEMENT NO 3: (RE CHAPTER IV) "THE COUNCIL NOTES THAT SINCE STRUCTURAL PROBLEMS ARE THE BASIC CAUSE OF MANY DIFFICULTIES IN AGRICULTURE, IT IS IN THE PARTNERS' INTEREST, IN ATTAINING THEIR OBJECTIVE, TO INTENSIFY STRUCTURAL REFORMS IN ORDER THAT MARKET AND PRICE POLICIES ARE, ECONOMICALLY, MORE SOUNDLY ORIENTATED."

79. STATEMENT NO. 4: (RE CHAPTER IV) "THE COUNCIL

NOTES THAT NONE OF THE MEASURES IN THE CHAPTER ON AGRICULTURE IMPLIES THE RIGHT TO NEGOTIATE THE LEVEL OF AGRICULTURAL PRODUCTION IN THE COMMUNITY."

80. STATEMENT NO. 5 (RE CHAPTER IV, SECTION 4, SUBPARAGRAPH 2) "THE COUNCIL AGREES THAT THE COMMISSION SHOULD ALSO EXAMINE WITH ITS NEGOTIATING PARTNERS THE POSSIBILITIES OF CONCLUDING INTERNATIONAL AGREEMENTS ON CERTAIN OIL SEEDS.

81. STATEMENT NO. 6 (RE CHAPTER IV, SECTION 4, PARAGRAPHS 2 AND 3) "THE COUNCIL NOTES THAT THE COMMISSION WILL RECEIVE DIRECTIVES IN RESPECT OF THE PRODUCTS REFERRED TO IN THE SECOND SUBPARAGRAPH OF SECTION 4 WITH A VIEW TO NEGOTIATING INTERNATIONAL AGREEMENTS PRODUCT BY PRODUCT. IF IT WERE TO APPEAR THAT THIS OBJECTIVE COULD NOT BE ATTAINED FOR ONE OR MORE OF THE PRODUCTS IN QUESTION, THE COMMISSION WOULD REPORT TO THE COUNCIL WHICH WOULD THEN HAVE TO TAKE A DECISION AS TO WHETHER THIS PRODUCT OR THESE PRODUCTS SHOULD BE EXCLUDED FROM THE NEGOTIATIONS, OR WHETHER VOLUNTARY RESTRAINTS, AS REFERRED TO IN THE THIRD PARAGRAPH, SHOULD BE NEGOTIATED.

82. STATEMENT NO. 7: (RE CHAPTER IV; SECTION 4 - LAST SUBPARAGRAPH) "THE COUNCIL NOTES THAT THE VARIABLE LEVIES SCHEME AND MECHANISMS THEMSELVES REMAIN UNCHANGED BUT THE APPLICATION OF IMPORT UNCLASSIFIED

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MECHANISMS WOULD BE ADAPTED TO THE NEW SITUATION REFERRED TO IN THE FOURTH PARAGRAPH OF CHAPTER IV, SECTION 4." END TEXT. HARTMAN

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